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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,303	09/28/2001	Matthew Whitehead	BAI525-520/01786	5038
24118	7590	11/02/2005	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			SHEPARD, JUSTIN E	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 11/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/966,303	Applicant(s) WHITEHEAD, MATTHEW	
	Examiner Justin E. Shepard	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/20/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: The phrase "may be" that appears on lines 6 and 9 of claim 1 makes the claim vague and indefinite. The claim should be rewritten with the phrase "may be" replaced (with "is" for example) so that the invention performs, or does not perform, the specific limitation.

Claim 4 is objected to because of the following informalities: Having the user "select the program automatically" is unclear because if the user were selecting a program it would not be automatic. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: The word "is" should be replaced with "are" on the last line of the claim. Appropriate correction is required.

Claims 9 and 11 are objected to because of the following informalities: After the digit "1" there should be a comma and a space. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson.

Referring to claim 1, Knudson discloses a television system, said system comprising a broadcast data receiver for receiving data which is broadcast from a remote location (figure 2d) and which includes video, audio and auxiliary data (figure 3, part 26), processing said data to generate video, audio and auxiliary services via an on-screen display and speakers connected with the broadcast data receiver (column 5, lines 12-13; Note: it is known that television sets have speakers); from said auxiliary data, an electronic program guide may be generated on screen to provide information and facilitate user selection of programs for viewing at that instant or in the future (figure 11).

Knudson also discloses a television system where previews can be viewed (column 11, lines 55-58) when a user selects to receive more information through the EPG (column 11, lines 36-40); and where video clips can be temporally stored on a set top box (column 14, lines 64-66).

Knudson does not disclose system with a memory means in which video and/or audio data may be stored for subsequent retrieval and display upon the selection of a program from the electronic program guide and to which a portion of the stored video and/or audio data relates.

At the time of the invention it would have been obvious for one of ordinary skill in the art to store the preview video on the set top box. The motivation would have been to add the ability to send the preview clips to other subscribers, as a way of suggesting programs to them (column 14, lines 58-61).

Referring to claim 2, Knudson discloses a television system according to claim 1, wherein said retrieval and display of said video and/or audio data from the storage means is in response to a user request for further information with respect to a particular program displayed on said electronic program guide (column 11, lines 36-40).

Referring to claim 3, Knudson discloses playing a preview is retrieved and shown to the user (column 11, lines 36-40 and 55-58).

Knudson does not disclose a television system according to claim 1 wherein a video and/or audio clip or trailer for a particular program is generated from said data retrieved from storage and shown to the user.

At the time of the invention it would have been obvious for one of ordinary skill in the art to store the preview video on the set top box. The motivation would have been to add the ability to send the preview clips to other subscribers, as a way of suggesting programs to them (column 14, lines 58-61).

Referring to claim 4, Knudson discloses a television system according to claim 3 wherein the user has the option, after or during viewing the clip or trailer to select the program automatically or in the future via said electronic program guide (column 13, lines 55-61).

Referring to claim 5, Knudson discloses storing video clips on a storage device (column 14, lines 64-66).

Knudson does not disclose a television system according to claim 1 wherein the storage means is in the form of a hard disc memory provided as part of said broadcast data receiver.

At the time of the invention it would have been obvious for one of ordinary skill in the art that a hard disc is a common form of a storage device.

Referring to claim 8, Knudson discloses a television system according to claim 1 including identification data so that upon the user requesting information for a particular program the appropriate portion of the data in the storage means can be identified and retrieved for processing by said broadcast data receiver (column 11, lines 41-45).

Referring to claim 10, Knudson discloses a television system according to claim 1 wherein said data video data being transmitted for the generation of the clips and trailers is shown in a portion of said display screen (figure 12, part 1221).

Referring to claim 11, Knudson discloses playing a preview is retrieved and shown to the user (column 11, lines 36-40 and 55-58).

Knudson does not disclose a television system according to claim 1, wherein further auxiliary information is generated via said data stored in the storage means for retrieval upon the selection of a related program via said electronic program guide.

At the time of the invention it would have been obvious for one of ordinary skill in the art to store the preview video on the set top box. The motivation would have been to add the ability to send the preview clips to other subscribers, as a way of suggesting programs to them (column 14, lines 58-61).

Claims 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Ludwig.

Referring to claim 6, Knudson does not disclose a television system according to claim 1 wherein said video and/or audio data used to generate the clips or trailers in accordance with the invention, is downloaded at designated time intervals and stored.

Ludwig discloses a television system according to claim 1 wherein said video and/or audio data used to generate the clips or trailers in accordance with the invention, is downloaded at designated time intervals and stored (column 58, lines 20-25).

At the time of the invention it would have been obvious for one of ordinary skill in the art to download the clips at designated time intervals, as taught by Ludwig, in the system disclosed by Knudson. The motivation would have been to conserve bandwidth needed to transfer video files (Ludwig: column 58, lines 20-21).

Referring to claim 7, Knudson does not disclose a television system according to claim 6, wherein said downloading of said video and/or audio data occurs when said broadcast data receiver is less likely to be in use for other functions.

Ludwig discloses a television system according to claim 6 wherein said downloading of said video and/or audio data occurs when said broadcast data receiver is less likely to be in use for other functions (column 58, lines 20-25).

At the time of the invention it would have been obvious for one of ordinary skill in the art to download the clips at designated time intervals, as taught by Ludwig, in the system disclosed by Knudson. The motivation would have been to conserve bandwidth needed to transfer video files (Ludwig: column 58, lines 20-21), as while the system would be in use the system would be downloading normal broadcast television.

Referring to claim 9, Knudson does not disclose a television system according to claim 1, wherein said video data being transmitted for the generation of clips and trailers is a low resolution.

Ludwig discloses a television system according to claim 1, wherein said video data being transmitted for the generation of clips and trailers is a low resolution (column 78, lines 49-55).

At the time of the invention it would have been obvious for one of ordinary skill in the art to download the clips at lower resolutions, as taught by Ludwig, in the system disclosed by Knudson. The motivation would have been to conserve bandwidth needed to transfer video files (Ludwig: column 58, lines 20-21).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reynolds, U.S. Patent Number 6,934,963; Interactive Television Program Guide with Passive Content.

Hoang, U.S. Patent Number 6,557,030; Systems and Methods for Providing VOD Services for Broadcasting Systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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